

# Moldova's border with Romania: challenges and perspectives after Romania's accession to the European Union

## Abstract

The authors of this article explore national identity from the perspective of the border between Romania and Moldova. EU enlargement means a changing emphasis on borders with a strengthening of the external frontier which, in the instant case, has greater resonance subsequent to Romania's accession to the EU. The article looks at the history of the two states over the last two decades and at Romania's attempts to meet the EU's requirements for a secure external frontier, and also at the diplomatic quarrels which have resulted as political elites in both countries have sought to manipulate events to suit their own agendas, including Romania's dual citizenship policy and the recent involvement of Hungary. The authors conclude that, in contrast to the non-national modes of thinking which characterise EU action, both countries seem to be stuck on an agenda which is focused on the interests of nations rather than those of citizens, and that the policies of both sides have been affected by a lack of clarity over what a border is supposed to mean in an EU context.

**Keywords:** EU enlargement, border policy, visa policy, nation building, dual citizenship, illegal migration, migrant labour, local border traffic regime, border treaty, Schengen area, modern statehood.

## Borders and territoriality

The territorial dimension of human beings organised in modern societies has been taken for granted for a long time since a specific territory defined by borders has been, alongside a people defined as citizenry and political autonomy and authority, one of the constituent elements of nation states since the Peace of Westphalia in 1648. For eastern European countries, however, the end of the Cold War and the dismantling of the Warsaw Pact and COMECON meant a decisive opening up to the processes of globalisation, which significantly accelerated in precisely the 1990s.<sup>1</sup> First the cultural, increasingly the economic and finally the political space was, and is no longer, configured by territory alone, be it within the confines of the Soviet Union or of those of the new (nation) states like the Republic of Moldova.

1 Stefan Immerfall (ed.) (1998) *Territoriality in the Globalizing Society. One Place or None?* Berlin: Springer.

For countries like Moldova, globalisation means, to a large extent, Europeanisation,<sup>2</sup> which will be shown in the following by the effects of the external border of the EU being the River Prut since Romania's accession to the EU on 1 January 2007. However, we by no means perceive globalisation/Europeanisation as a process rendering space and borders completely irrelevant, or leading automatically to an amalgamation of national units on a supranational basis. The European Union's last two enlargement waves in 2004 and 2007 have shown a particular interconnectedness between enlargement and the nature, characteristics and scope of EU borders:

While internal borders among EU member states are gradually being abolished, external EU borders are being tightened up.<sup>3</sup>

The complexity of the issues surrounding the external boundary of the European Union is not only related to these boundaries constituting obstacles to the free movement of people and goods between border member states and their neighbours. Nanette Neuwahl underlines that:

With the advent of the European Union, the function of borders has become much less clear.<sup>4</sup>

Internal frontiers may have been de-institutionalised, as Steffen Mau suggests, but external frontiers have been upgraded. However, he insists that the current status of these outer boundaries of the Union cannot be compared to the role of classical national state borders.<sup>5</sup> Certainly, the European Union's external frontiers have a protective function, with the prevention of illegal immigration as a key element of what Florian Trauner and Imke Kruse call 'a new EU security approach'.<sup>6</sup> At the same time, the shifting nature of the Union's boundaries seems, amongst other things, to have prevented external frontiers taking over the classical role attributed to national state borders (that of creating a clear distinction between those belonging to a country's society and outsiders).<sup>7</sup>

This is true especially for east central and south-east European countries like Poland or Romania, which have had to harden their eastern borders to Ukraine and Moldova significantly. The political elites of these countries, and even more their civil societies, have been particularly sensitive about this issue given that freedom of movement is regarded as one of the central achievements following the demise of the Iron Curtain.

2 Jan Zielonka (ed.) (2002) *Enlarging and reshaping the boundaries of the European Union* London/New York: Routledge.

3 Jan Zielonka (2002): 'Introduction. Boundary making by the European Union' *ibid.* p. 1.

4 Nanette Neuwahl (2005) 'What Borders for Which Europe?' in: Joan DeBardeleben (ed.) *Soft or Hard Borders?* Toronto: Ashgate, p. 24.

5 Steffen Mau (2006) 'Die Politik der Grenze. Grenzziehung und politische Systembildung in der Europäischen Union' *Berliner Journal für Soziologie* No. 1: 115-132.

6 Florian Trauner and Imke Kruse (2008): *EC Visa Facilitation and Readmission Agreements: Implementing a New EU Security Approach* (CEPS Working Document No. 290/2008), [http://shop.ceps.eu/download.php?item\\_id=1646](http://shop.ceps.eu/download.php?item_id=1646), downloaded 4 August 2008.

7 Mau *op. cit.* p. 124.

For historical reasons as well, some intellectuals have had feelings of melancholy when seeing regions which they regarded as parts of Polish and Romanian national and cultural history, like Galicia and Basarabia,<sup>8</sup> being effectively cut off from their supposed cultural centres. So, while Poland and Romania made their way back to Europe, for the time being Ukraine and Moldova would have to stay outside the European mental map.

When discussing economic, political and cultural aspects of changing border regimes, we point to their dual character: on the one hand, they are the result of political decisions and processes; on the other, they are then institutions which significantly influence and shape people's range of choices.<sup>9</sup> Borders are, then, producers of social order themselves, producing constraints often unforeseen and undesired by both elites and by the people.

In pursuing this line of argumentation, we first delve into the historical dimension of the troubled relations between Romania and Moldova as a background for recent changes in travel regimes. Romania's legislative and political attempts to meet EU requirements on the one hand, and the expectations of Moldovan citizens on the other, will then be analysed. A particularly interesting point in this matter is Romania's dual citizenship policy for Moldovan nationals, which is perceived by significant parts of Chişinău's political elite as a threat to Moldovan sovereign statehood. Deteriorating economic conditions in Moldova have led to an ever-increasing number of Moldovans working abroad and to their remittances being a major factor in social stability in the country. Despite this, Chişinău is aggravating their living and working conditions when preventing the implementation of a more efficient visa facilitation regime. Towards the same result – and towards significant problems to come for Romania in terms of entering the Schengen area – lead the diplomatic quarrels between Romania and Moldova concerning the implementation of a local border crossing regime. Finally, we draw attention to a recently appeared 'Hungarian factor', in what seems to be a competition between Hungarian and Romanian diplomacy for the role of Moldova's strategic partner in the latter's quest to become an EU member.

### **From the 'bridge of flowers' to EU visa requirements: a border between two countries or within one culture?**

Though not effectively closed, the border between the Moldovan Soviet Socialist Republic and Romania was viewed by the Soviet authorities with great suspicion, since the greater part of Moldova had belonged to its western neighbour between the two world wars while the majority population speaks (a regional variant of) Romanian. When Moldovan citizens were first allowed a one-off day trip to Romania without the former formalities on 16 July 1991, as a result of a bilateral agreement, 240 000 people

8 Editor's Note: The conventional way of spelling this area in the English language is Bessarabia (as in the other article in this volume by Ute Schmidt). However, we have retained the authors' spelling of Basarabia in this article, which is also more akin to the Romanian approach to its spelling.

9 Monika Eig Müller (2006): 'Der duale Charakter der Grenze. Bedingungen einer aktuellen Grenztheorie' in: Monika Eig Müller and Georg Vobruba (eds.) *Grenzsoziologie. Die politische Strukturierung des Raumes* Wiesbaden: VS Verlag für Sozialwissenschaften, p. 72ff.

seized the opportunity to visit the neighbouring country in an event that was called the ‘bridge of flowers’, and which raised expectations on both sides regarding the possibility of the eventual reunification of the two countries.

Freedom of travel was high on the agenda of bilateral relations as soon as Moldova had declared independence on 27 August 1991 – only two days later, an agreement was signed laying the foundations of what was to be one of eastern Europe’s most liberal travel regimes. Not only were visa requirements between the countries lifted, but citizens of Moldova would be permitted to enter Romania with their internal Soviet passports. With the subsequent introduction of national identity documents, Moldovans were allowed to use these *in lieu* of a full passport.<sup>10</sup> Despite problematic bilateral issues between Chişinău and Bucureşti, the two governments pursued this open border policy for nearly ten years. On 1 July 2001, the obligation to carry a passport was reintroduced as a result of Romanian commitments to the EU to secure its eastern border, but still no visas were required for citizens of either country.<sup>11</sup>

Partly as a result of the liberal rules, people-to-people relations between the two neighbours developed at all levels of society. Thousands of Moldovan students received scholarships in order to attend Romanian high schools and universities. Moldovan farmers would sell their produce in Romanian border cities and their disappearance was immediately noticed by their customers following the introduction of a visa requirement for Moldovans upon Romania’s EU accession.<sup>12</sup> The liberal rules which governed the crossing of the boundary between Moldova and Romania not only reflected a general tendency in eastern Europe; specifically, as Malcolm Anderson remarks, at the societal level it is considered that borders between countries where the same language is spoken should not pose a significant barrier.<sup>13</sup>

In the case of Moldova and Romania, the lack of clarity regarding the function of the common boundary after 1 January 2007 has been aggravated by political leaders on both sides attributing a symbolic function to the border on the River Prut. For Romanian political elites, Moldova’s decision not to unite with the ‘mother country’ in the early 1990s proved difficult to accept. The separation of the former province of Basarabia (which basically comprised today’s Moldovan territory situated west of the River Dneestr) as a result of the Ribbentrop-Molotov Pact in 1939<sup>14</sup> is viewed as a historic injustice suffered by the Romanian people among whom – according to mainstream Romanian attitudes – Moldovans actually belong. Gabriel Andreescu explains that only after 1997 did bilateral relations settle into a new paradigm, with Bucureşti redefining them as being special and privileged but, at the same time, respecting Mol-

- 10 ‘Acord între Guvernul Republicii Moldova şi Guvernul României privind călătoriile reciproce ale cetăţenilor de la 29 august 1991’, *Monitorul Oficial al României* No. 208/11 October 1991.
- 11 Acord între Guvernul Republicii Moldova şi Guvernul României privind călătoriile reciproce ale cetăţenilor de la 29 iunie 2001, in: *Monitorul Oficial al României* No. 527/31 August 1991.
- 12 “‘Prietenia’ – ultimul tren fără viză” *România Liberă* 3 January 2007.
- 13 Malcolm Anderson (2000): *Border Regimes and Security in an Enlarged European Community: Implications of the Entry into Force of the Amsterdam Treaty* (EUI Working Papers RSC No. 8/2000), Florence: European University Institute, p. 6.
- 14 In the German context, this Pact is commonly called the Hitler-Stalin-Pakt.

dova's independence.<sup>15</sup> However, the unification discourse has never fully disappeared from Romanian political life. As recently as spring 2008, President Traian Băsescu spoke of the necessity of 'correcting' the decision taken by the USSR and Nazi Germany, and of the duty of people on both sides of the River Prut to overcome their 'temporary' division by meeting each other in the European Union.<sup>16</sup> Significantly, this declaration was made upon the 90<sup>th</sup> anniversary of the unification of Basarabia and Romania in March 1918.

Nevertheless, such remarks should not be over-stated. Political analyst Armand Goșu suggested that Băsescu was merely reiterating Romania's support for Chișinău's ambitions to join the European Union.<sup>17</sup> Furthermore, on a recent visit to Chișinău, the Romanian foreign minister characterised bilateral relations as 'relations between two neighbouring countries'.<sup>18</sup> Concomitantly, Romania supports Moldova's wish to join the EU as a full member – which has been repeatedly been pointed out by decision-makers in București. On his first official visit to Chișinău, Băsescu promised Moldovan President Vladimir Voronin that Romania would be 'the strongest advocate' of Moldovan EU integration.<sup>19</sup>

In Romania's latest National Security Strategy, București commits itself to supporting its neighbour's sovereignty and territorial integrity. Yet, the same paper also underlines that the 'special relations' between Romania and Moldova are based on the principle 'one single nation – two states'.<sup>20</sup> It therefore seems safe to assume that, from București's point of view, even though unification is not a realistic option, the border with Moldova does not fulfil the classical nation-state function of a frontier separating one people and its respective society and culture from another. Thus, the political dilemma posed by the frontier between Moldova and Romania after 1 January 2007 for politicians in București is the contradiction between the European Union's new security approach, which implies a strict border regime, and the assumption that the boundary is actually separating the same nation. Consequently, finding a balance between implementing the role of Romania's border with Moldova as an EU frontier on the one hand, and showing solidarity with the people of Moldova on the other, is crucial for the future of bilateral relations, as Gabriel Andreescu points out.<sup>21</sup>

- 15 Gabriel Andreescu (2002): 'Republica Moldova la apropierea frontierei Schengen: cadrul regional și geopolitic' in: Gabriel Andreescu, Violeta Bau and Gabriel Chiorean (eds.): *Noua frontieră Schengen și impactul asupra relațiilor dintre România și Republica Moldova* București: Institutul pentru Politici Publice, p. 33.
- 16 'Președintele Băsescu vrea unirea cu Republica Moldova' *România Liberă* 28 March 2008.
- 17 *Ibid.*
- 18 'Voronin s-a răfoit la Comănescu' in: *Gardianul* 8 July 2008.
- 19 Băsescu: *România, cel mai puternic avocat pentru integrarea Basarabiei în UE* <http://www.9am.ro/stiri-revista-presei/Politica/3053/Basescu-Romania-cel-mai-puternic-avocat-pentru-integrarea-Basarabiei-in-UE.html>, downloaded 15 August 2008.
- 20 Administration of the President of Romania (ed.) (2007) *Strategia de Securitate Națională a României* București, p. 36, <http://www.presidency.ro/static/ordine/SSNR/SSNR.pdf> downloaded 15 August 2008.
- 21 Andreescu (2002) *op. cit.* p. 39.

The Moldovan perspective is harder to spell out, since society east of the River Prut has been engaged in a permanent debate on national identity ever since the late 1980s. This is best reflected in the state language being called ‘Moldovan’ in the country’s Constitution, whereas pupils and university students are taught the subject ‘Romanian language and literature’. Oleh Protsyk explains:

A substantial portion of the titular group’s political and cultural elite [...] saw unification with Romania as the ultimate goal of Moldova’s political transformation.<sup>22</sup>

Despite unification being rejected in a 1994 referendum, attitudes towards the ethnic identity of the majority population, and generally towards Romania, are major dividing lines among political forces in Moldova. Thus, in 2003, Parliament in Chişinău, dominated by the Communist Party (PCRM), approved the ‘Conception of the national policy of the Republic of Moldova’, which explicitly speaks of a separate Moldovan people, forming the ‘people of the Republic of Moldova’ together with ‘the representatives of other ethnicities’.<sup>23</sup> Opposition parties take another stance on this matter. The National Liberal Party’s (PNL) 2007 electoral platform for local elections carried the slogan ‘Two states, one people, one common citizenship’.<sup>24</sup> Dorin Chirtoacă, Chişinău’s mayor and a leading figure of the opposition Liberal Party (PL), openly stated that 80 per cent of the population of Moldova is Romanian.<sup>25</sup> On its homepage, the Popular Christian-Democrat Party (PPCD) speaks of ‘two Romanian states – Romania and the Republic of Moldova’.<sup>26</sup> Nevertheless, in the 2004 national census, only 2.2 per cent of Moldova’s population declared itself to be ethnically Romanian against almost 75 per cent who identified themselves as Moldovans, yet – to complicate matters further – 481 593 of the over two and a half million Moldovans declared their native language to be Romanian.<sup>27</sup>

Given these dilemmas surrounding the process of nation-building, there can be no question of a consensus regarding the function of the Moldovan border with its western neighbour, even though there does exist a consensus among most political forces that European integration is a key objective of Moldovan foreign policy. From the point of view of the ruling Communist Party, this boundary separates the Moldovan nation from the Romanian one, thus fulfilling the classic function of the border of a national state, whereas the opposition has adopted the Bucureşti perspective. Romania’s EU accession

- 22 Oleh Protsyk (2006) *Nation-building in Moldova* p. 2 [http://www.policy.hu/protsyk/Publications/Nationalism inMoldova.pdf](http://www.policy.hu/protsyk/Publications/Nationalism%20inMoldova.pdf) downloaded 3 November 2007.
- 23 ‘Lege privind aprobarea Concepţiei politicii naţionale a Republicii Moldova’ 19 December 2003, *Monitorul Oficial al Republicii Moldova* 1-5/2004.
- 24 *Platforma electorală a Partidului Naţional Liberal (PNL) 2007* [http://www.alegeri.md/2007/opponents/pnl/ program/](http://www.alegeri.md/2007/opponents/pnl/program/) downloaded 15 August 2008.
- 25 ‘Limba de comunicare la Festivalul etniilor a fost rusa *Timpul*’ 17 September 2007.
- 26 <http://www.ppcd.md/page.php?modul=HTMLPages&pid=4> downloaded 15 August 2008.
- 27 Almost in true Kafkaesque fashion, of the 73 276 people who identified themselves as Romanians, 1 139 declared their native language to be Moldovan. Data on the census is available at: [http://www.statistica.md/recensamint/Nation\\_Limba\\_vorbita\\_%20materna\\_ro.xls](http://www.statistica.md/recensamint/Nation_Limba_vorbita_%20materna_ro.xls).

has, therefore, put the Moldovan government in a rather awkward situation: despite firmly supporting the role of the boundary on the River Prut as a defining element of state-building, it cannot ignore that the freedom of movement of the Moldovan population has been severely curtailed. This places it under political pressure to take the measures in its power to soften the consequences of the Europeanisation of the country's western boundary without demoting the role of the frontier in separating Moldovan society from what it views as a distinct Romanian one.

### **The European dimension and local solutions**

Understanding the context of the national/symbolical, as well as the European, dimension of the border on the River Prut is essential when it comes to analysing Romanian and Moldovan actions regarding the new frontier after 1 January 2007. Essentially, there seems to be an antagonistic constellation of interests of the two countries: Bucureşti has to respect the European dimension – i.e. to uphold the European Union's new security approach – without wishing to create a division at the symbolic level which could turn Moldovan society away from Romania, whereas the perspective from Chişinău is exactly the opposite: the ruling Communist Party is eager to maintain an ideological division between the two states but is unhappy about the new restrictions on the movement of Moldovan citizens. Border policies after 1 January 2007 on both sides have borne the mark of this situation, with Bucureşti and Chişinău instrumentalising the visa regime, consular issues and citizenship legislation, as well as border management – the key elements of border regimes, according to Steffen Mau<sup>28</sup> – in order best to suit their vision of the function of the common border.

Implementing the new visa regime has been a significant challenge for the Romanian government not only politically, but also technically. An online registration system was introduced for visa applicants, requiring them to obtain an appointment via the internet. However, due to overloading, the server was almost permanently blocked. Long queues formed in front of the consular section of the Romanian Embassy in Chişinău, affecting Romania's image in Moldova.<sup>29</sup> Two weeks after Romania's EU accession, President Băsescu made a quick visit to Chişinău, obtaining the promise of Voronin, his Moldovan counterpart, that Bucureşti would be allowed to open two new consulates, in the cities of Bălţi and Cahul, in order better to manage the flow of applications. However, only two months later, Moldova withdrew its initially positive response to the Romanian request.<sup>30</sup> In August 2007, the Romanian foreign minister at the time, Adrian Cioroianu, admitted in an interview with Radio Free Europe/Radio Liberty that:

[E]ven though [the consulate in Chişinău] is the largest in our network [...] it is clearly overwhelmed by the number of applications.

28 Mau (2006) *op. cit.* p. 117.

29 'Vizele de la Chişinău: cozi, intermediari şi blocaj pe Internet' *Gardianul* 8 March 2007.

30 'Voronin s-a răzgândit' *Jurnal de Chişinău* 16 March 2007.



He also reiterated the necessity of opening the two proposed consulates.<sup>31</sup> The situation was further aggravated by allegations of corruption: in the same month, Moldova's deputy interior minister, Alexandru Zubic, claimed that a high-ranking consular official in Chişinău had been illegally providing Moldovan citizens with visas, with the help of two local accomplices.<sup>32</sup> In refuting the allegations, the Foreign Ministry in Bucureşti nevertheless decided to replace its consul in Moldova, citing that he would be too vulnerable following the accusations.<sup>33</sup> The often dysfunctional system of online appointments for visa applicants was finally abolished in November, being replaced by the first-come, first-served principle.<sup>34</sup>

Despite the embarrassments which Bucureşti suffered during 2007 due to the visa regime, it should be mentioned that policy-makers in the Foreign Ministry did make efforts to make the application process as efficient as possible. In December 2007, the consular section of the Romanian Embassy moved to a new location, raising its visa processing capacity by 60 per cent. The opening of the new consulate was, however, boycotted by Moldovan officials, Foreign Minister Andrei Stratan refusing the invitation to take part in the official opening ceremony together with his Romanian counterpart.<sup>35</sup> The bilateral agreement governing visas for Moldovan citizens, signed between Bucureşti and Chişinău shortly before Romania's EU accession, provides for the issuing of visas free of charge. For Moldova – the poorest country in Europe – the waving of visa fees is of particular significance. Besides, certain categories of people, including people with close family ties to Romania, participants in bilateral exchange programmes in the fields of economy, science, culture, sports and education, pensioners, journalists and people with property in Romania, may be issued with multiple-entry visas valid for one year, whereas business people are granted visas valid for five years (with a maximum stay of 90 days per half-year).<sup>36</sup>

Following July 2008, Moldovans transiting Romania on their way to countries belonging to the Schengen area, as well as Bulgaria and Cyprus, are no longer required to be in possession of a transit visa.<sup>37</sup> This measure applies to all third-country nationals with valid visas issued by the states mentioned, but it is no coincidence that the implementation of this measure was announced, in Chişinău, by Romania's new Foreign Minister, Lazăr Comănescu, after his first official visit to the Republic of Moldova in

- 31 'Romania: Foreign Minister Says Moldova Not "Younger Brother"' interview with Adrian Cioroianu, 2 August 2007 <http://www.rferl.org/content/Article/1077945.html> downloaded 15 August 2008.
- 32 'Diplomat român de la Chişinău acuzat de luare de mită' *Atac* 17 July 2007.
- 33 'Consulul român de la Chişinău, Alexandru Rus, nu mai revine la post' *Ziua* 11 September 2007.
- 34 'Busculada la Consulatul României din Chişinău' *Cotidianul* 26 November 2007.
- 35 'Cioroianu a inaugurat noul sediu al consulatului României la Chişinău' *România Liberă* 21 December 2007.
- 36 'Acord între Guvernul României şi Guvernul Republicii Moldova privind călătoriile reciproce ale cetăţenilor de la 20.10.2006' *Monitorul Oficial al României* No. 19/11 January 2007.
- 37 *Cetăţenii străini pot tranzita, în anumite condiţii, teritoriul României fără viză de transit* Communiqué of the Romanian Ministry of Foreign Affairs, 9 July 2008 <http://www.mae.ro/index.php?unde=doc&id=36439> downloaded 15 August 2008.



June 2008. With Romania's image affected by the visa regime, Bucureşti has been persistently pursuing a strategy of visibly showing that it is doing its best to alleviate the negative effects of the visa regime. As early as January 2007, President Băsescu – during his visit to Chişinău – paid a visit to the crowded consular section of the Romanian Embassy and publicly apologised to the Moldovan visa applicants present for the inconveniences they were experiencing.<sup>38</sup> On another high-profile occasion, at his annual meeting in Bucureşti with Romania's heads of missions abroad in September 2007, President Băsescu drastically characterised the situation in Chişinău by saying that:

We have almost created a true purgatory for Moldovans who want to come to Romania.

Moreover, he underlined that:

Citizens of the Republic of Moldova should have the feeling that they may come to Romania as many times and whenever they want.

Băsescu went on to suggest that Romanian diplomats should lobby European decision-makers in order to provide for the possibility that Moldovans might obtain their visas at the border.<sup>39</sup> It can be argued that the Romanian President should have known that this is precluded by EC Council Regulation 415/2003, which limits the issuance of visas at the border to 'substantiating unforeseeable and imperative reasons for entry', but this is not of essential relevance.<sup>40</sup> The message that Bucureşti is trying to convey to Moldovan citizens is that, while fulfilling its European obligations, Romania does not view them as foreigners but rather as people who have a right – not a privilege – to enter and stay in the country.

However, such declarations cannot compensate for the obtaining of a Romanian visa being no easy process. Besides the bureaucratic process involved, the main problem is the sheer number of Moldovans applying for visas. In November 2007, an old man with a disability and a woman with a small child were wounded in a stampede in front of the consular section of the Romanian Embassy in Chişinău, when between 500 and 700 applicants had arrived to receive their visas, some of whom had been waiting since the previous night in front of the building.<sup>41</sup> In summer 2008, Moldovan media

- 38 'Moldova acceptă deschiderea consulatelor la Bălţi şi Cahul'  
[http://www.bbc.co.uk/romanian/news/story/2007/01/070116\\_moldova\\_basescu\\_vizita.shtml](http://www.bbc.co.uk/romanian/news/story/2007/01/070116_moldova_basescu_vizita.shtml) downloaded 15 August 2008.
- 39 *Discursul preşedintelui României, Traian Băsescu, la întâlnirea anuală cu ambasadorii şi consulii generali ai României* [http://www.presidency.ro/pdf/date/9099\\_ro.pdf](http://www.presidency.ro/pdf/date/9099_ro.pdf) 3 September 2007.
- 40 Council Regulation (EC) No. 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seafarers in transit *Official Journal of the European Union* L64, 7 March 2003  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:064:0001:0001:EN:PDF> downloaded 15 August 2008.
- 41 'Busculada la Consulatul României din Chişinău' *Cotidianul* 26 November 2007.

reported on the chaos in front of the consulate, with two women fainting.<sup>42</sup> Applicants complained that it can take days of queuing before being able actually to enter the premises.<sup>43</sup>

Naturally, Romania's image among Moldovans has been affected by the situation. Given the political context described above, it is safe to assume that, from the point of view of the current government in Chişinău, this development is actually in its favour since it weakens pro-Romanian political forces. Furthermore, the refusal to open the consulates in Bălţi and Cahul has been a way of hindering Romanian efforts to ameliorate the situation of Moldovan visa applicants, thus indirectly dealing a political blow to Bucureşti. In not accepting the new Romanian missions, Moldova's then Prime Minister, Vasile Tarlev, openly called in September 2007 for Bucureşti to abolish visa requirements, arguing that it would be in a position to do so since Romania would only join the Schengen area in 2012.<sup>44</sup> Such an assumption is erroneous because – with the exception of the United Kingdom and Ireland – all EU member states must respect the common list of third countries whose citizens must have visas in order to enter or transit Community territory.<sup>45</sup> Obviously, Tarlev's misleading statements may well have the effect of throwing a negative light on Romania by creating the impression that Bucureşti is unfairly imposing visa requirements that it would be permitted to lift altogether.

Chişinău's policy of blocking any measures that may alleviate the plight of Moldovan citizens was also clear when Romania offered to open a common visa-issuing facility at its consulate which could provide applicants with visas for other EU member states which do not have diplomatic missions in Moldova. This is another problematic issue since countries such as Spain, where many Moldovans live, only have embassies in Bucureşti, thus placing would-be applicants in the position of having to obtain a 'visa for a visa', i.e. a Romanian visa in order to travel to Bucureşti to obtain a visa for the final destination. There is already an EU 'Common Visa Application Centre', the first of its kind, at the Hungarian Consulate in Chişinău, which issues visas for six EU member states (Austria, Denmark, Estonia, Latvia, Slovenia and Hungary).<sup>46</sup> The European Union did not oppose Romania's proposal to open a second mission – which could provide visas for other Schengen states not covered by the Hungarian facility – but Moldova's Foreign Ministry refuted the idea.

42 'Imbulzeală în faţa Consulatului României' [http://www.protv.md/filme/imbulzeala-in-fata-consulatului-romaniei.html?id\\_file=27191#27191](http://www.protv.md/filme/imbulzeala-in-fata-consulatului-romaniei.html?id_file=27191#27191) downloaded 15 August 2008.

43 'Aglomerare la consulatul roman' [http://www.protv.md/filme/aglomeratie-la-consulatul-roman.html?id\\_file=26870#26870](http://www.protv.md/filme/aglomeratie-la-consulatul-roman.html?id_file=26870#26870) downloaded 15 August 2008.

44 'România ar trebui să anuleze vizele pentru moldoveni' [http://www.bbc.co.uk/romanian/news/story/2007/09/070906\\_moldova\\_tarlev.shtml](http://www.bbc.co.uk/romanian/news/story/2007/09/070906_moldova_tarlev.shtml) downloaded 15 August 2008.

45 Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement *Official Journal of the European Communities* L72, 18 March 1999 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:072:0002:0005:EN:PDF> downloaded 10 August 2008.

46 The list of countries can be found on the Centre's homepage: [http://www.cac.md/about\\_md.html](http://www.cac.md/about_md.html).

Experts cited the problematic outstanding bilateral issues between Chişinău and Bucureşti (including issues regarding national identity) as the reason for the negative response.<sup>47</sup> Moreover, Romania's opening of a common visa application centre in Chişinău would allow it to be seen as responding to the needs of Moldovan citizens wishing to travel to other EU countries, thus contributing to a more positive image of Bucureşti. Denis Cenuşă also suggests that there are experts who view Romania's intentions with suspicion, seeing this as a step which would enable Bucureşti to control the flux of Moldovan migrants towards western Europe.<sup>48</sup> Certainly, Romania's mission in Chişinău would gain a significant amount of leverage in this respect and the current Communist government east of the Prut has naturally been highly sensitive over this issue, at least partly on the grounds of the not always unequivocal commitment of Bucureşti regarding Moldovan sovereignty, or at least concerning its assessments of the legitimacy of its interventions in Moldovan internal affairs.

Nevertheless, Chişinău's policy of obstructing Romanian initiatives is having negative consequences for its own citizens' possibilities to travel. Media reports on the situation at the Romanian consular section have often pointed out that Chişinău had previously refused to allow the opening of the two additional consulates, thus contributing to the congestion of visa applications in the capital. Moldovan officials have thus been challenged over their policy from within the country.

Following the already-mentioned visit of Romania's Foreign Minister Comănescu in July 2008, Chişinău finally agreed on the opening of a new Romanian consulate in the city of Cahul, as well as of a Moldovan mission in the eastern Romanian city of Iaşi. Furthermore, the Moldovan Ministry of Foreign Affairs and European Integration announced, pending the result of bilateral negotiations regarding the signing of a bilateral border treaty and of a convention on local border traffic:

The possibility of opening, based on mutual principle [the reciprocity principle], a Consulate in Constanţa [in Romania] and respectively in Bălţi.<sup>49</sup>

To cite the reciprocity principle regarding the opening of consulates is misleading, since Moldova itself has never adhered to reciprocity in this respect. There is a Moldovan consulate general in Frankfurt in addition to the diplomatic mission in Berlin, but there is no German consulate in Moldova in addition to the respective section of the German Embassy. Despite being hard to prove, it therefore seems that Chişinău has been quoting the reciprocity principle in order to justify its reversal of policy in front of its own population. It seems as though the Communist government merely wishes to prove it is on an equal footing with its neighbour.

47 Denis Cenuşă (2007) 'Centrul Comun de Vize – între convergenţă şi divergenţă' *Timputul* 6 April.

48 *Ibid.*

49 *Consulates of the Republic of Moldova and Romania will be opened in Iaşi and Cahul* Communiqué of the Moldovan Ministry of Foreign Affairs and European Integration <http://www.mfa.gov.md/news/2959/> 10 July 2008, downloaded 15 August 2008.

## Romania's dual citizenship policy

Chişinău's sensitivity in matters connected to sovereignty has also been nurtured by Romania's ambiguous citizenship policy since the 1990s. Significant parts of the Moldovan political elite, especially the one in power since 2001, perceive the Romanian definition of its citizenry as a threat to Moldova's sovereign statehood. When a growing number of Moldovans obtain Romanian citizenship as well, one of the three pillars of modern statehood – a stable and well-defined citizenry – progressively loses its meaning.<sup>50</sup>

Geographically, Moldova and Romania are likely to remain separate in the long-term but, from the point of view of the membership space, the divisions between the Moldovan and Romanian spaces have been blurred in the past years by a growing number of citizens of the Republic receiving or applying for the citizenship of their newly-European neighbour. Romanian citizenship law allows former Romanian citizens and their descendents who, before 1989, lost their citizenship for reasons for which they are not responsible to 're-obtain' it, without even having to be actually resident in the country.<sup>51</sup> Moldova was part of Romania in the inter-war period and its citizens are, therefore, (mostly) former Romanian citizens or descendents thereof, entitled to privileged access to the citizenship of the (now) neighbouring country.<sup>52</sup> Statistics of Romania's Ministry of the Interior, quoted by the Bucureşti daily *Ziua*, suggest that, between 1991 and 2001, only about 95 000 Moldovans thus obtained a Romanian passport. Obviously, however, Romania's new status as an EU member, with the freedom this entails for its citizens, has led to a surge in the number of would-be Romanians from Moldova. President Bănescu has stated that the Embassy of Romania in Chişinău is currently in possession of 800 000 applications for Romanian citizenship.<sup>53</sup> It should be mentioned that, before being sent to the Ministry of Justice in Bucureşti, the body responsible for according citizenship, these applications have to be processed by the consular section of Romania in Chişinău, further stretching its resources and personnel.

Bănescu's declarations have been disputed by the Moldovan authorities which have accused Bucureşti of:

Intentionally emphasising excessively the number of the submitted applications,

- 50 According to Stein Rokkan, there are two kinds of space occupied by a nation state: the geographical space and the membership space. The latter is represented by the institution of citizenship, as Steffen Mau points out. See Stein Rokkan (2000) *Staat, Nation und Demokratie in Europa. Die Theorie Stein Rokkans* Frankfurt/Main: Suhrkamp, p. 135; Mau (2006) *op. cit.* p. 117. For the Romanian citizenship policy in historical perspective, see Dietmar Müller (2005) *Staatsbürger auf Widerruf. Juden und Muslime als Alteritätspartner im rumänischen und serbischen Nationscode. Ethnonationale Staatsbürgerschaftskonzeptionen, 1878-1941* Harrassowitz Verlag: Wiesbaden.
- 51 'Legea cetăţeniei române nr. 21/1991' in: *Monitorul Oficial al României* No. 98/6 March 2000.
- 52 Irina Culic (2008) 'Eluding Exit and Entry Controls: Romanian and Moldovan immigrants in the European Union' *East European Politics & Societies* 1: 165.
- 53 'Calvarul cetăţeniei române pentru moldoveni' *Ziua* 21 March 2007.

and of Romanian policy being:

Methodically directed towards inventing and artificially consolidating the problem of Romanian citizenship for the citizens of the Republic of Moldova.<sup>54</sup>

The exact number of applications is not known, since they have not yet been processed, but it is clear that, in Moldovan society, the idea of obtaining Romanian citizenship is being considered by large segments of the population. In a survey carried out in 2005, 48 per cent of respondents admitted that they would like to obtain Romanian citizenship, whereas one per cent already had a passport of the neighbouring country. Among the reasons cited by those who desired Romanian citizenship, freedom to work in the EU was mentioned in 85 per cent of cases whereas only 14 per cent claimed they felt they were Romanian.<sup>55</sup> After 2002 however, the process of issuing Romanian citizenship to applicants from Moldova stagnated: between 2002 and 2006, only 2 326 Moldovans received a Romanian passport. The Romanian Ministry of Foreign Affairs has admitted that a:

Series of procedural blockages that could not have been objectively anticipated at the moment of the conception of the legislative act [the citizenship law]

was to blame.<sup>56</sup> It now literally takes years of waiting for applicants to obtain Romanian citizenship.

Demoscopic evidence suggests that there is no direct link between the wish to be a Romanian citizen and self-identification as Romanian, but Bănescu has been keen to point out that his country has 'moral obligations towards the citizens of the Republic of Moldova' as well as what he called 'political obligations'. In this context, he asked the government in Bucureşti to simplify the procedure required, in order to accelerate citizenship acquisition.<sup>57</sup> Opposition movements in Moldova are also supportive of the acceleration of citizenship requests. In summer 2008, the Movement European Action (MAE) started a signature-collecting campaign in this respect, aiming to reduce the waiting period to just a few months.<sup>58</sup> It was mentioned previously that the National Liberal Party carried the slogan 'Two states, one people, one common citizenship' during the campaign for local elections in summer 2007. On the other side of the po-

54 Declaration of the Government of the Republic of Moldova <http://www.mfa.gov.md/news/553/> 15 March 2008, downloaded 8 August 2008.

55 'Fiecare al doilea moldovean își dorește cetățenie română' *Timpu* 16 May 2005.

56 *Bilanț 2005-2007 MAE* Press briefing of the Romanian Ministry of Foreign Affairs 14 March 2007, <http://www.mae.ro/index.php?unde=doc&id=32355&idlnk=2&cat=4> downloaded 10 August 2008.

57 'Declarațiile lui Bănescu stârnesc dispute la Bruxelles' [http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID\\_11445/Declaratiiile-lui-Basescu-starnesc-dispute-la-Bruxelles.html](http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID_11445/Declaratiiile-lui-Basescu-starnesc-dispute-la-Bruxelles.html) downloaded 15 August 2008.

58 *MAE inițiază o campanie de colectare a semnăturilor pentru simplificarea și urgentarea redobândirii cetățeniei românești* Communiqué of the Movement European Action, 22 July 2008 <http://ae.md/index.php?newsid=80> downloaded 10 August 2008.

litical spectrum, the Communist-dominated government has accused București of misusing its status as an EU member state, and changed its own citizenship legislation, barring people with double citizenship not only from top political positions, such as government minister or deputy, but also from being employed in the police, justice system and customs service as well as from being elected as mayor or rayon (district) president.<sup>59</sup>

In what was the peak of the controversy over the issue, Alexandru Tănase, Vice-President of the Liberal Democrat Party of Moldova (PLDM), and Dorin Chirtoacă, Chișinău's mayor, contested the law at the European Court of Human Rights on the grounds of discriminating against Moldovan citizens who were also nationals of another state. Subsequently, in a high-profile case in summer 2008, a customs officer from the Cahul border crossing on the Romanian frontier was dismissed after it was discovered he was also in possession of Romanian citizenship. However, the Customs Service of the Republic of Moldova stated that its officer had been released of his duties according to the law on service in customs organs passed in 2000.<sup>60</sup> Nevertheless, as Moldovan media pointed out, it was only after the new legislation on citizenship had been passed that the Customs Service started taking measures against its officers with double citizenship.<sup>61</sup> Alexandru Tănase claimed in June 2008 that 50 people working for the Moldovan Ministry of the Interior (MAI) had lost their positions because of being citizens of another country. A spokeswoman for the Ministry denied the allegations and insisted that:

Holding double citizenship is not a reason to dismiss an MAI officer.<sup>62</sup>

The latter affirmation is quite curious, since the new law lists members of the police force as people who are not allowed to hold a second passport.

On 18 November, the European Court for Human Rights upheld the claim of Alexandru Tănase and pointed out that the loyalty of members of Parliament could be ensured by means other than preventing holders of double citizenship from taking office. Furthermore, the court's ruling underscored that Moldova was the only European country to have introduced such restrictions.<sup>63</sup>

The political dimension of the new Moldovan regulations is exacerbated by the many key figures in the opposition who have double Moldovan-Romanian citizenship.

59 'Parlamentul moldovean a aprobat Legea ce interzice dubla cetățenie a persoanelor cu funcții publice' <http://www.mediafax.ro/externe/parlamentul-moldovean-a-aprobat-legea-ce-interzice-dubla-cetatenie-a-persoanelor-cu-functii-publice.html?3614;1078582> downloaded 10 August 2008.

60 'Un vameș din Cahul a fost demis din funcție pentru că are cetățenie română' [http://www.protv.md/filme/un-vames-din-cahul-a-fost-demis-din-functie-pentru-ca-are-cetatenie.html?id\\_file=26995#26995](http://www.protv.md/filme/un-vames-din-cahul-a-fost-demis-din-functie-pentru-ca-are-cetatenie.html?id_file=26995#26995) downloaded 15 August 2008.

61 *Ibid.*

62 'R. Moldova riscă condamnarea la CEDO pentru limitarea în drepturi a persoanelor cu dublă cetățenie' [www.azi.md](http://www.azi.md) downloaded 30 June 2008.

63 'CEDO a pronunțat hotărârea Tănase și Chirtoacă c. Moldovei' <http://www.lhr.md/news/116.html> downloaded 26 November 2008.

Chirtoacă openly accused the government of trying to prevent opposition politicians, including Tănase and himself (who both have Romanian passports), from taking part in parliamentary elections scheduled for 2009.<sup>64</sup> This may be true, but it does seem appropriate to ask whether it is a coincidence that leaders of opposition groups tend to have Romanian citizenship. The București daily *Ziua* claimed that Chișinău's former mayor, Serafim Urechean, and his family became Romanian nationals only a few months after filing the application.<sup>65</sup> Certainly, such public figures are not the only Moldovans with a Romanian passport, but there is reasonable ground to speculate that București has been deliberately giving out citizenship to leaders of those forces with a pro-Romanian message in order to encourage their parties and thus gain a lever on internal politics in Moldova.

Undoubtedly, from a strictly national point of view, the existence of a great number of Moldovans with double citizenship may be regarded as a discreet way of undermining Chișinău's full sovereignty. In the context of a similar issue concerning the high number of Macedonians applying for Bulgarian passports, Trauner and Kruse cite an EU official in Skopje as saying that:

When one day the majority [in some border regions to Bulgaria] will possess a [*sic*] Bulgarian citizenship [...] they [the Bulgarians] will even somehow understandably pose the question: What is the foundation of statehood in these areas?<sup>66</sup>

At the same time, the European Union clearly does not view the elimination of visa requirements for Moldovan citizens as a priority. In the recently-signed visa facilitation agreement between the European Community and the Republic of Moldova, the two sides recognise:

The introduction of a visa-free travel regime for the citizens of the Republic of Moldova as a long term perspective.<sup>67</sup>

Experts point out that the choice of wording is deliberate, with western Balkan states receiving much more concrete guarantees of a visa-free travel perspective in their own such agreements with Brussels.<sup>68</sup> Therefore, at least in the short- and medium-term future, a Romanian passport may be the only way for most Moldovans to circumvent tedious EU entry requirements, including those they have to fulfil in order to travel to Romania. Consequently, it is questionable whether the government in Chișinău is ac-

64 *Ibid.*

65 'Calvarul cetățeniei române pentru moldoveni' *Ziua* 21 March 2007.

66 Trauner and Kruse (2008) *op. cit.* p. 23.

67 Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas *Official Journal of the European Union* L334, 19 December 2007 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:334:0169:0179:EN:PDF> downloaded 25 May 2008.

68 Trauner and Kruse (2008) *op. cit.* p. 17.



ting in the best interest of its citizens by vigorously fighting against would-be Romanian citizens.

In 2007, when Romania modified its citizenship law with a view towards accelerating the process of issuing citizenship to Moldovans – a normative act which actually only provides for institutional shifts and which has not, until now, had any practical effect as regards the hundreds of thousands of outstanding applications – Chişinău decided to complain to the European Union that Romania was threatening its statehood.<sup>69</sup> Brussels has, however, been relatively incoherent in its reactions. Marianne Mikko, Chair of the EU-Moldova Parliamentary Committee, accused Băsescu's request for citizenship facilitation as being 'unwise' and reminded him that:

Romania must act like [...] a good Union member,

but her vague statement clearly shows that the EU can only pressure Bucureşti not to hand out its passports beyond the River Prut, without being legally able to stop this.<sup>70</sup> Essentially, this is due to the European Union having no competence regarding legislation on national citizenship. In what certainly must have been an embarrassing moment for the Moldovan government, at a press conference in Chişinău in January 2008 following talks with Moldovan officials, Italy's Foreign Minister, Massimo D'Alema, openly stated that Romanian citizenship was an internal matter for Romania.<sup>71</sup>

Nevertheless, Bucureşti has never openly confronted the EU on this issue, with Băsescu supporting his declarations by arguing that the workforce deficit of the European Union may be partly compensated by liberalising Romanian citizenship for Moldovans, thus enabling them to work in member states.<sup>72</sup> However, even such a line is fraught with political problems. At least western EU member states – most of which have not been particularly welcoming of workers from the countries that acceded in 2004 and 2007 – are likely to be sceptical of such a back-door EU integration of Moldovans by means of a Romanian passport. Experts have repeatedly been pointing out that, in the 'old' member states, EU enlargement has been perceived as a reason for social insecurities.<sup>73</sup> With the rhetoric of cheap labour from the east flooding towards western EU members still high on the public agenda, it is improbable that the governments of such states would agree with Băsescu's line. More problematically still, this

69 'Chişinăul se pregăteşte să riposteze' <http://www.dw-world.de/dw/article/0,2144,2767936,00.html> downloaded 15 August 2008.

70 'Declaraţiile lui Băsescu stârnesc dispute la Bruxelles' [http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID\\_11445/Declaratii-le-lui-Basescu-starnesc-dispute-la-Bruxelles.html](http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID_11445/Declaratii-le-lui-Basescu-starnesc-dispute-la-Bruxelles.html).

71 'Eliberarea de paşapoarte româneşti moldovenilor ţine exclusiv de autorităţile române' <http://www.basarabeni.ro/stiri/politica/eliberarea-de-pasapoarte-romanesti-moldovenilor-tine-exclusiv-de-autoritatile-romane/> downloaded 10 August 2008.

72 'Declaraţiile lui Băsescu stârnesc dispute la Bruxelles' [http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID\\_11445/Declaratii-le-lui-Basescu-starnesc-dispute-la-Bruxelles.html](http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID_11445/Declaratii-le-lui-Basescu-starnesc-dispute-la-Bruxelles.html).

73 Culic (2008) *op. cit.* p. 146.

would certainly mean setting a precedent and – given the Bulgarian case, for instance – would risk spiralling out of the Commission's control, especially as the EU has no direct legal lever to intervene in matters related to national citizenship.

Nevertheless, European officials have seldom been as categoric in their opposition to Romania's citizenship policy as have Moldovan leaders. Certain misgivings concerning the influence of Bucureşti over Moldovan territory are justified, but the results of the above-mentioned survey in Moldova actually prove that there is no collective self-identification at the societal level with Romania. With less than 15 per cent of those wishing to obtain Romanian passports saying that they felt they were Romanians, there seems to be no immediate threat to the sovereignty of the Republic of Moldova.

Furthermore, there is a pragmatic dimension to the citizenship issue which also needs to be addressed: the phenomenon of the mass workforce emigration of Moldovan citizens.

### **Economic crisis in and labour migration from Moldova**

The economy of Moldova has been highly affected by the conflict between Chişinău and the breakaway republic of Transnistria in the east of the country, with the *de facto* separation leaving most of Moldova's industry outside the areas under government control. The 1998 economic crisis in Russia also led to a fall in what was left of industrial and agricultural output, as well as exports, since Moscow had been Chişinău's main trading partner even after the demise of the USSR.<sup>74</sup>

The resulting economic difficulties, including low wages and unemployment, has led to a large number of Moldovans seeking employment abroad. Valeriu Moşneagă, a Chişinău-based political scientist, has characterised Moldova as 'a typical emigration country'.<sup>75</sup> The destination of first choice has been Russia, with statistics from 2005 estimating that about 60 per cent of labour migrants headed towards Moldova's eastern neighbour.<sup>76</sup> However, the European Union, especially Italy, Greece, Spain and Portugal, has also been preferred by Moldovan emigrants.<sup>77</sup> Most emigration towards EU member states has occurred illegally, so the exact number of Moldovans already residing on the territory of the EU is impossible to determine. For instance, Italian sources suggested that, in 2004, there were 300 000 Moldovans living there, whereas the Moldovan diplomatic mission claimed to be aware of only 80 000.<sup>78</sup> A total of 600 000 to one million Moldovans – out of a total population of 3.3m – are now working abroad.<sup>79</sup> About 30 per cent of them have headed for EU states.<sup>80</sup>

74 Maria Cristina Panfîru, Richard Black and Rachel Sabates-Wheeler (2007) *Migration and Poverty Reduction in Moldova* (DRC Working Papers Series C10) Sussex, p. 4ff., [http://www.migrationdrc.org/publications/working\\_papers/WP-C10.pdf](http://www.migrationdrc.org/publications/working_papers/WP-C10.pdf) downloaded 25 May 2008.

75 Valeriu Moşneagă (2007) *The labour migration of Moldovan population: trends and effects* (SOCIUS Working Papers No. 3/2007) Lisbon: SOCIUS, p. 2.

76 Panfîru, Black and Sabbates-Wheeler (2007) *op. cit.* p. 10.

77 Culic (2008) *op. cit.* p. 151.

78 Panfîru, Black and Sabbates-Wheeler (2007) *op. cit.* p. 9.

79 Culic (2008) *op. cit.* p. 151.

80 Moşneagă (2007) *op. cit.* p. 5.

From the European point of view, the – mostly illegal – immigration of Moldovans is an issue which needs to be taken seriously, but Moldova's economy has almost literally been saved from collapse by its citizens living and working abroad. According to World Bank figures, remittances accounted for 36.2 per cent of Moldova's gross domestic product in 2007, the country ranking first in the world on remittance dependence, together with Tajikistan.<sup>81</sup> Consequently, the social impact of the large number of emigrants has taken on mass proportions. Children have been particularly affected, with estimates that 25 000 children are not being raised by their parents, being cared for by other relatives.<sup>82</sup> On the other hand, children whose close family work abroad benefit from the remittances sent, thereby having better prospects for the future.<sup>83</sup> The increase of university students in Moldova (from 12 000 to 80 000) also seems to be related to parents working abroad and investing in their offspring's education.<sup>84</sup> At the macroeconomic level, remittances have already proved their effect as a catalyst for the Moldovan economy. Overall poverty has been reduced, since the money sent by Moldovans abroad has been fuelling domestic consumption.<sup>85</sup> Angela Munteanu points out that the Communist government has been misusing the better living conditions generated by the remittances:

By trying to make people associate their slightly improved lives with the growth in GDP, not with the sacrifices their family members have made

and adds that:

The Moldovan family, operating as an economic unit, has successfully carried the Moldovan Communist Party up to another round of elections.<sup>86</sup>

Furthermore, with it being mostly the young who are leaving the country, and thus not exercising their right to vote, there are disproportionate numbers of pensioners taking part in elections – a group which has traditionally voted in favour of the current ruling political force.

The restrictive EU visa policy and national labour legislation governing the employment of third country citizens has meant that most Moldovans are forced into illegality. Even Moldova's National Bureau for Migration admits that most migrants work without a contract.<sup>87</sup> This has not been a deterrent for most, but the life of Moldovan migrants would be a lot easier with a Romanian passport. As Moşneagă points

81 'Moldova rămâne pe locul întâi în lume la remitențe' [http://www.bbc.co.uk/romanian/moldova/story/2007/12/071204\\_remitente\\_record.shtml](http://www.bbc.co.uk/romanian/moldova/story/2007/12/071204_remitente_record.shtml) downloaded 10 August 2008.

82 Angela Munteanu (2005): 'Remittances and the governance deficit in Moldova: remedies or sources of inequalities' in: *South-East Europe Review* 8(2): 46.

83 Panîru, Black and Sabbates-Wheeler (2007) *op. cit.* p. 20.

84 Munteanu (2005) *op. cit.* p. 47.

85 Panîru, Black and Sabbates-Wheeler (2007) *op. cit.* p. 18.

86 Munteanu (2005) *op. cit.* p. 43.

87 Panîru, Black and Sabbates-Wheeler (2007) *op. cit.* p. 12.

out, visa problems are a factor which, for instance, prevents Moldovan migrants in EU member states from visiting their families, in contrast to those working in Russia.<sup>88</sup> Thus, the social problems created by the separation of families are exacerbated by it being made difficult for parents to see their children once they have left for the European Union. Furthermore, illegal status makes it difficult for migrants to use legal channels for remittances, with the consequence that informal money transfers are frequently used. Moşneagă quotes a figure of 55 per cent of remittances being sent using unofficial ways.<sup>89</sup> Consequently, the shadow sector of the Moldovan economy is thriving, with Chişinău unable to oversee cash flows into the country.

With Moldovan migrants holding Romanian citizenship, both these problems could be solved: Moldovans could visit their country more frequently (not having to fear that they would no longer be allowed to re-enter their country of residence); while the use of official channels for remittances could allow the Moldovan authorities to assert more control over the nation's economy.

### **The local border traffic regime – chances and problems**

Chişinău's reaction to the EU visa requirements and its handling of the ensuing technicalities suggests that softening the impact of the new EU external frontier is not high on the Moldovan political agenda. This impression is further supported by the Moldovan government's stance on the problem of introducing a local border traffic regime between the two countries. In 2006, the European Union adopted a regulation which allows EU members bordering countries outside the EU to simplify entry requirements for people living in areas adjacent to the external Union boundary on the basis of bilateral agreements with the neighbouring non-EU states. The new regulation stipulates that people who are lawfully residing within a thirty kilometre radius from the border – under certain circumstances even within 50 kilometres – for at least one year and who can prove:

The existence of legitimate reasons frequently to cross an external land border under the local border traffic regime

are entitled to obtain a local border traffic permit. This is valid for a maximum of five years, allowing travel to areas in the neighbouring EU state within thirty or fifty kilometres from the border.<sup>90</sup> Furthermore, the document provides for the possibility of permits being issued free of charge and of people regularly crossing the border being subject only to random checks, without having to undergo the full Schengen procedure normally required for third country nationals.

88 Moşneagă (2007) *op. cit.* p. 8.

89 *Ibid.* p. 7.

90 Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention *Official Journal of the European Union* L405, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:405:0001:0022:EN:PDF> downloaded 15 August 2008.

The visa facilitation agreement signed in December 2007 between the EU and Moldova contains political declarations from Romania and from the Republic of Moldova stating the will of the parties 'to enter into negotiations on a bilateral agreement' in order to establish a local border traffic regime regarding their common border.<sup>91</sup> However, discussions have been hampered by Chişinău's refusal to sign such an agreement before the two countries conclude the Treaty on the state border between the Republic of Moldova and Romania – a document which Moldova views as:

An inalienable part of modern, civilised relations between two neighbouring European states.<sup>92</sup>

Chişinău argues that the accord regarding local border traffic would be based on the notion of the bilateral border which – according to Moldovan authorities – only exists *de facto*, without the support of legal documentation.<sup>93</sup> In the already-quoted declaration of the Ministry of Foreign Affairs and European Integration of the Republic of Moldova, the 'sincere' hope was expressed that:

Romania, as a full-rights member of the European Union, does not in any way have pretences of a territorial or other nature on the Republic of Moldova, which would limit its possibility to sign the respective treaty [the border treaty].<sup>94</sup>

These barely-veiled accusations, expressed in April 2008, came only one day after the President of the neighbouring state, Traian Băsescu, had stated that signing a border treaty was not a priority, arguing that Romania had already recognised the boundary of the former USSR.<sup>95</sup> What most probably infuriated the Moldovan authorities was the Romanian President's additional comment that there was no need to consolidate the Ribbentrop-Molotov Pact (which had created the new border).

Băsescu's wording was certain to irritate Chişinău, but his position that there was no legal imperative to sign a border treaty is – ironically – supported by a paper published by a former top Moldovan diplomat in 2002. Eugen Revenco, then deputy director

- 91 Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas.
- 92 *Declarație a Ministerului Afacerilor Externe și Integrării Europene al Republicii Moldova* Communiqué of the Moldovan Ministry of Foreign Affairs and European Integration, 13 May 2008 <http://www.mfa.gov.md/noutati/2669/> downloaded 10 August 2008.
- 93 *Conexiunea între Tratatul privind frontiera de stat între Republica Moldova și România și Convenția privind micul trafic la frontieră* Communiqué of the Moldovan Ministry of Foreign Affairs and European Integration, 17 April 2008 <http://www.mfa.gov.md/noutati/2514/> downloaded 10 August 2008.
- 94 *Declarație a Ministerului Afacerilor Externe și Integrării Europene al Republicii Moldova* Communiqué of the Moldovan Ministry of Foreign Affairs and European Integration, 13 May 2008.
- 95 'Președintele României despre relațiile cu Moldova' [http://www.bbc.co.uk/romanian/moldova/story/2008/04\\_080416\\_basescu\\_moldova.shtml](http://www.bbc.co.uk/romanian/moldova/story/2008/04_080416_basescu_moldova.shtml) downloaded 25 May 2008.

of the General Department for International Law and Treaties (who was later dispatched to Moldova's Permanent Mission to the UN in Geneva), a part of the country's Foreign Ministry, explains that, by its adhesion to the Charter of Paris and to the Helsinki Final Act, Moldova recognised the principles of these documents, including the stability and inviolability of borders.<sup>96</sup> Furthermore, he enumerates a series of treaties signed by Romania and the Soviet Union referring to the boundary on the River Prut, including the Paris Peace Treaty of 1947 and the Treaty on the frontier regime signed in Moscow in November 1945. Thus, Revenco concludes that there:

Is a juridical frame, on which basis there can be precisely determined the frontier line between the Republic of Moldova and Romania.<sup>97</sup>

With many opposition parties in Moldova more or less explicitly pro-Romanian, it is understandable that the Communist government has been trying to discredit Bucureşti by using the treaty issue and accusing Romanian leaders of questioning Moldovan sovereignty. Moreover, the Ministry of Foreign Affairs and European Integration has publicly suggested that, given the compact nature of Moldovan territory and Romanian guarantees of supporting Moldova's wish to join the European Union, it had asked Bucureşti that the convention on local border traffic cover the entire territory of the Republic, including breakaway Transnistria.<sup>98</sup> Obviously, such a move would contravene the above-mentioned European regulation, which clearly limits the territorial scope of the border area to regions situated within a maximum of 50 kilometres of the frontier on either side. Bucureşti would have to deliver a negative response to Moldova's request, thus allowing Chişinău to portray Romania as the party blocking Moldovan citizens' aspirations for free travel.

The issue of local border traffic has been raised by opposition parties as well, in their own bid to gain popular support. Thus, in a speech held in parliament in April 2008, the Chair of the Liberal Democrat Party of Moldova, Vladimir Filat, accused the government of:

Gravely affecting the right of a great number of citizens of the Republic of Moldova to travel freely to the European Union.

He went on to point out that the population of eleven districts and of Moldova's second city, Bălţi, would benefit fully from the local border traffic regime, with some localities from ten further districts and the Autonomous Territorial Unit of Gagauzia

96 Eugen Revenco (2002) 'Juridical aspects of frontiers organization' conference paper for *New borders in southeastern Europe and their impact on stability in the region of Central European Initiative (CEI)* Chişinău [http://pdc.ceu.hu/archive/00002596/01/IPP\\_New\\_borders\\_1.pdf](http://pdc.ceu.hu/archive/00002596/01/IPP_New_borders_1.pdf) p. 39, downloaded 15 December 2005.

97 *Ibid.*

98 *Declarație a Ministerului Afacerilor Externe și Integrării Europene al Republicii Moldova* Communiqué of the Moldovan Ministry of Foreign Affairs and European Integration, 13 May 2008.

also being situated in the border area, with their citizens thus also being entitled to the simplified travel conditions.<sup>99</sup> However, Filat's discourse only serves to prove that political forces opposing the government are misusing the issue as much as Communist officials. Moldova's Foreign Ministry pointed out in its response to the accusations that it is misleading to speak of the possibility of free travel to the EU when, in fact, the beneficiaries of the scheme would only gain the right to enter Romanian border areas.<sup>100</sup> Indeed, politicising border issues is traditional in Moldovan politics, as Eugen Revenco underlines.<sup>101</sup>

However, Romania's scepticism towards signing the bilateral border treaty also raises doubts about the priorities of Bucureşti regarding Moldova. There is no legal necessity to conclude this document, with Băsescu emphasising the need to ease entry restrictions for Moldovan citizens, but the issue of the border treaty does serve as an example of the incoherence of Romanian policy towards Moldova. In April 2007, then Foreign Minister Cioroianu had announced that he viewed the signing of a basic political treaty with Chişinău, as well as of a border treaty, as a priority; previous Romanian governments having systematically refuted the idea of a basic treaty with Moldova.<sup>102</sup> Indeed, expert groups from both countries met in May 2008 in Bucureşti in order to discuss both such documents. However, the Romanian side underlined in a press release that the object of the border treaty was constituted by technicalities regarding the frontier, such as the maintenance of boundary signs, there being no 'technical-juridical conditionality' between this accord and the agreement on local border traffic.<sup>103</sup> Only a fortnight later, Valeriu Ostalep – Deputy Minister of Foreign Affairs and European Integration of the Republic of Moldova – visited Bucureşti and again discussed with Romanian officials both the basic treaty and the border treaty.<sup>104</sup>

In July 2008, a few weeks after Romanian Foreign Minister Comănescu visited Chişinău, Moldovan President Vladimir Voronin announced that negotiations regarding the two accords were almost finished.<sup>105</sup> Thus, it seems appropriate to conclude that, in this respect, pragmatism in Romanian foreign policy towards Moldova had finally prevailed. Indeed, the border treaty – as mentioned earlier – is also a pre-con-

99 'PLDM cere guvernului să semneze urgent Acordul privind micul trafic de frontieră, speech of Vladimir Filat 17 April 2008' *Jurnal de Chişinău* 18 April 2008.

100 *Declarație a Ministerului Afacerilor Externe și Integrării Europene al Republicii Moldova* Communiqué of the Moldovan Ministry of Foreign Affairs and European Integration, 13 May 2008.

101 Revenco (2002) *op. cit.* p. 38.

102 'Cioroianu anunță desprinderea de politica lui Băsescu față de Republica Moldova' <http://www.interlic.md/2007-05-12/645-645.html> downloaded 15 August 2008.

103 *Negocieri la nivel de experți din România și Republica Moldova* Communiqué of the Romanian Ministry of Foreign Affairs, 15 May 2008 <http://www.mae.ro/index.php?unde=doc&id=35853&idlnk=&cat> downloaded 20 August 2008.

104 *Vizita de lucru la Bucureşti a vice-ministrului afacerilor externe și integrării europene din Republica Moldova* Valeriu Ostalep, Communiqué of the Romanian Ministry of Foreign Affairs, 28 May 2008 <http://www.mae.ro/index.php?unde=doc&id=36025&idlnk=&cat> downloaded 20 August 2008.

105 'Pe limba lui Voronin' *Ziua* 24 July 2008.



dition for the opening of a Romanian consulate in Bălți, thus simplifying the visa application process for Moldovans from the north of the country who currently have to travel to Chișinău for this purpose. Furthermore, such an approach to relations with Moldova is more likely to help opposition parties gain popular support, by making their pro-Romanian platforms more credible.

The issue of local border traffic also raises important – until now only succinctly discussed – questions on internal controls on movement within the EU. In her study on European borders, Nanette Neuwahl has already underscored that:

It is hard to see how [...] internal policing can be avoided.<sup>106</sup>

Even the casual traveller between EU member states is accustomed to at least occasionally seeing mobile patrols of border police surveying traffic at internal boundaries, but the problem raised by local border traffic lies in it creating a second border within the EU member states concerned. It remains to be seen how the Romanian authorities intend to prevent the misuse of local border traffic permits. Inside the border area itself, Romanian border police are entitled to stop and check vehicles and their occupants without probable cause. However, even in such instances officials often verify only the documents of the driver, as reporters of the newspaper *Gândul* found out at Romania's border with Serbia – also an external frontier of the EU.<sup>107</sup> Furthermore, given that the holders of local border traffic permits would have free movement within the frontier zone, it may be hard to prove that they are actually intending to travel further into the country. Once outside the border area, Romanian police officers are not allowed to stop vehicles at their discretion: since 2007, so-called 'routine checks' by traffic agents have been prohibited. Thus, misuse of the local border traffic scheme does not seem such an unrealistic prospect.

The stakes for Romania in this respect are quite high. With accession to the Schengen zone scheduled for 2012, effectively combating illegal immigration will have to be a priority for the Romanian government. Misuse of the local border traffic regime by Moldovan beneficiaries risks derailing București's efforts in this respect. This issue is especially important since there are serious deficits even with the current implementation of the strict visa regime: it has not been able to prevent illegal border-crossing attempts by Moldovan nationals. Certainly, experts mostly agree that the role and efficiency of visas as an instrument of migration policy has been overrated.<sup>108</sup> However, as Trauner and Kruse point out:

[i]ssuing visas occupies an important place in the EU's understanding of effective and comprehensive border management.<sup>109</sup>

106 Neuwahl (2005) *op. cit.* p. 36.

107 'Granița cu Serbia, sat fără "câinii" Poliției de Frontieră' *Gândul* 19 January 2008.

108 Jakub Boratynski *et al.* (2004) *Monitoring of Polish Visa Policy* (Stefan Batory Foundation Policy Paper), Warsaw: Stefan Batory Foundation, p. 10, <http://www.batory.org.pl/doc/monitoring-of-polish-visa-policy-2004.pdf> downloaded 10 December 2005.

109 Trauner and Kruse (2008) *op. cit.* p. 6.

Therefore, Romanian visa management will be under intense scrutiny before border controls at its internal boundaries with other EU states, as well as at ports and airports, may be removed.

A particularly delicate aspect of this challenge is that, according to the Romanian Border Police, many Moldovan citizens enter the country legally, with valid visas, and are subsequently apprehended upon attempting to exit illicitly.<sup>110</sup> In fact, Moldovan citizens ranked in first place in statistics published in April on illegal border crossing attempts, with 298 people apprehended in the first three months of the year. The use of forged Romanian identity documents, as well as hiding in different means of transport, were among the methods used by Moldovans and cited by the Romanian Border Police.<sup>111</sup> Indeed, Romanian officials underlined that, in the first four months of 2008, the number of illegal attempts to leave the country towards Hungary by hiding in motor vehicles or international trains trebled compared to the first four months of 2007. Most of those involved in such acts were Moldovan citizens, numbering 94 people out of a total of 128.<sup>112</sup> On one single weekend in April, 23 Moldovans were detained by Romanian Border Police, mainly at checkpoints on the Hungarian frontier, for producing forged or stolen Romanian identity cards, all of whom had previously entered the country legally, with valid visas, issued in Chişinău.<sup>113</sup>

The numbers involved are still low, given that the Romanian consular section in Chişinău issues hundreds of visas every day, but the pressure on border officers on the frontier with Hungary remains high since illegal border crossing attempts occur on a regular basis, thus putting their vigilance to the test. Furthermore, particular events such as mass illegal crossings are regularly featured in the media, thus casting Moldovan citizens in a negative light.

Sympathy with Moldovans at the societal level in Romania may well be affected if the country's bid to join the Schengen area were to be hampered by the growing number of citizens of the neighbouring country using Romania as a transit state for the purpose of illegal migration. Border guards on the eastern border are aware that some Moldovans falsely declare that they are undertaking a private journey to Romania, and so their attitude towards Moldovans has also been a subject of concern. The Ministry of Foreign

- 110 *Cetăţenii moldoveni – în topul cetăţenilor străini cu identităţi false la frontiera română* Communiqué of the Romanian Border Police 24 March 2008 [http://www.politiadefrontiera.ro/comunicat.php?id\\_com=202](http://www.politiadefrontiera.ro/comunicat.php?id_com=202) downloaded 10 August 2008.
- 111 *Bilanţ trimestrial la Poliţia de Frontieră Română* Communiqué of the Romanian Border Police, 20 April 2008 [http://www.politiadefrontiera.ro/comunicat.php?id\\_com=206](http://www.politiadefrontiera.ro/comunicat.php?id_com=206) downloaded 10 August 2008.
- 112 In one of the more spectacular cases, eight Moldovans were found by border guards in the larders and closets of a restaurant car en route from Bucureşti to Budapest, while 22 others were found amongst logs in a lorry on its way to Italy. See *Numărul persoanelor care au încercat să treacă ilegal frontiera, ascunse în mijloace de transport, de trei ori mai mare faţă de anul trecut* Communiqué of the Romanian Border Police, 14 May 2008 [http://www.politiadefrontiera.ro/comunicat.php?id\\_com=210](http://www.politiadefrontiera.ro/comunicat.php?id_com=210) downloaded 10 August 2008.
- 113 *23 cetăţeni moldoveni cu documente false, depistaţi la frontiera din vestul şi sudul ţării* Communiqué of the Romanian Border Police, 20 April 2008 [http://www.politiadefrontiera.ro/stire.php?id\\_stire=1850](http://www.politiadefrontiera.ro/stire.php?id_stire=1850) downloaded 10 August 2008.

Affairs and European Integration complained in August 2007 that, during the summer, it had:

Received a number of complaints from Moldovan citizens about the inadequate behaviour of the representatives of the Romanian Border Police.<sup>114</sup>

Such incidents are likely to contribute to the worsening of Romania's image in Moldova and consequently influence electoral behaviour by favouring the Communist Party, with its anti-București rhetoric, especially because Moldovans travelling to Romania are already likely to have had a negative experience at the consular section of the Embassy in Chișinău. Declarations of support for Moldova's aspirations to join the EU by politicians in București will hardly be able to compensate for the impression made on Moldovan citizens by consular conditions and border police officers.

### **The ambiguous role of Moldovan-Hungarian relations**

Romania's would-be role as an advocate of Moldova's European integration has also been affected by a diplomatic struggle that has been going on since 1 January 2007, which has gone mostly unnoticed amongst western experts and media. This is a rather new phenomenon, covered in Romania mainly by the newspaper *Ziua*, so the following remarks are a collection of statements and events, with a tentative analysis.

Moldova has become a battleground for Romanian and Hungarian diplomacy, with both sides competing to be Chișinău's strategic partner in the latter's quest to become an EU member. It may be worth pointing out that two key EU officials for Moldova are Hungarians: Kalman Mizsei, the EU Special Representative for Moldova; and Ferenc Banfi, head of the EU Border Assistance Mission on the Ukrainian-Moldovan frontier. Romanian expert Dan Dungaciu suggests that Hungarian diplomacy has been implicated in these official structures 'more than would be reasonable'.<sup>115</sup> With the opening of the Common Visa Application Centre at the Hungarian Embassy in Chișinău, Budapest's impact in Moldova is further increased.

Indeed, a spokesman of Moldova's Parliament used the phrase 'strategic partnership' when discussing bilateral relations with Hungary. At the same time, the speaker of the National Assembly in Budapest declared in Chișinău that Hungary considered Moldova to be 'our neighbour without a common border' and expressed the intention of his country to be 'Moldova's voice in the European Union'.<sup>116</sup> This wording is very close to Bănescu's promise made to Voronin in early 2005 that Romania would be Moldova's advocate. In an article published in *Ziua*, George Damian accuses the Communist government of using Hungary in order to avoid having to co-operate with

114 *Press release on the process of visa issuance to the citizens of the Republic of Moldova by Romanian Embassy in Chișinău* Communiqué of the Moldovan Ministry of Foreign Affairs and European Integration, 20 August 2007 <http://www.mfa.gov.md/departament-news/752/> downloaded 15 August 2008.

115 Dan Dungaciu (2007b) 'Straniile declarații ale lui Kalman Mizsei' *Ziua* 4 August 2007.

116 Dan Dungaciu (2007a): "'Europa" vorbește la Chișinău cu accent maghiar *Ziua* 28 July 2007.

Romania on matters related to European integration.<sup>117</sup> In fact, when Romania suggested the creation of a further common visa application facility at its own Embassy in early 2007, the reaction of the Moldovan authorities was very strong: Bucureşti was accused of a ‘false attitude’ and of ‘delaying’ the procedure of the opening of the centre at the Hungarian mission, thus acting against the interests of Moldovan citizens, as well as against:

The principle based upon which good-faith states build European partnerships.<sup>118</sup>

Franco Frattini, then EU Internal Affairs and Justice Commissioner, had saluted the Romanian initiative.<sup>119</sup> On the other hand, Romanian experts have also criticised Bucureşti’s project, claiming it had not been well-prepared and publicised.<sup>120</sup>

Naturally, if Romania had been allowed to issue visas for other countries at a common application centre of its own, thus saving Moldovan travellers’ time and money spent on undertaking journeys to neighbouring states in order to obtain visas, this would have been a major image coup for Bucureşti. Băsescu pointed out that the facility at the Hungarian mission had a reduced processing capacity, thereby arguing that Romania should create a new centre with enhanced capacities.<sup>121</sup> When the new building housing the consular section of the Embassy of Romania was opened in December 2007, it was also equipped with eight processing stations at Schengen level which could handle visa applications for other states. However, up to now no agreement has been reached in this respect. Băsescu’s argument may, at first glance, be dismissed as being purely political in nature, but it is worth underlining that many of the EU member states with a significant population of Moldovan migrants – Portugal, Spain, Greece<sup>122</sup> – have not (yet) concluded agreements with Budapest on using the common visa centre, thus nurturing doubts as to whether the Hungarian facility is capable of processing the expected great number of applications for visas for these countries.

With Chişinău firmly against a Romanian visa centre, the Communist government seems yet again to be acting only in order to consolidate its anti-Bucureşti stance and confirming that the bilateral dimension of the border with Romania is a priority. Moreover, countries such as Spain or Portugal have their Bucureşti representations handle Moldovan visa applications, so Moldovans wishing to travel and/or work in these countries must obtain a Romanian visa as well, thus contributing to the high number of people with which the consular section of the Romanian mission is confronted.

Another problematic aspect is the personality of EU Special Representative to Moldova, Kalman Mizsei. Other EU officials have been reticent in directly intervening

117 George Damian (2007) ‘Bătălia euro-maghiară pentru Republica Moldova’ *Ziua* 1 March 2007.

118 *Declarația Guvernului Republicii Moldova* Communiqué of the Moldovan Government, 8 March 2007 <http://www.mfa.gov.md/noutati/552/> downloaded 20 August 2008.

119 Cenușă (2007) *op. cit.*

120 Damian (2007) *op. cit.*

121 *Ibid.*

122 Italy was scheduled to open its embassy in Chişinău to the public in January 2009.

in relations between Chişinău and Bucureşti, but Mizsei has been openly siding with the Moldovan government and the media in Romania have questioned his severe tone. Indeed, Mizsei used an official visit to Bucureşti in summer 2007 in order to criticise Romania for not signing the basic treaty and the border treaty and accused Bucureşti of behaving like an 'older brother' towards its neighbour – a phrase that only Vladimir Voronin had used before.<sup>123</sup> Furthermore, he suggested that Brussels wished for a more restrictive citizenship law, citing concerns about the possibility of mass numbers of Moldovans obtaining Romanian passports.<sup>124</sup>

Mizsei may have been right about the preoccupation with the citizenship issue at EU level, but he also should have been aware that the Commission is not in a position to instruct member states on how to change national citizenship legislation since Brussels has no competence in this respect. Furthermore, during the Slovene presidency of the EU in the first half of 2008, officials from Ljubljana assured the Romanian side that there is no conditionality between concluding a border treaty with Moldova and Romania's joining the Schengen area.<sup>125</sup> This being the case, the legitimacy of Mizsei's request that Romania sign the border treaty with Moldova remains questionable, since the EU does not require member states to conclude such agreements as a precondition for (full) membership. Given the above-mentioned dispute between Budapest and Bucureşti on Moldova-related issues, the question remains whether it is a mere coincidence that the strongest critic of Romania in Brussels is an official from Hungary.<sup>126</sup> In any case, Mizsei has been offering Chişinău the support it needs in order to justify its position, by creating the impression that the EU fully supports the Moldovan government in its problematic relations with Romania and, consequently, weakening Bucureşti.

## Conclusion

Subsequent to 1 January 2007, the border between the Republic of Moldova and Romania has been a source of continuous tension in relations between the two countries, involving all pillars of modern statehood: a territory defined by internationally accepted borders; a stable and well-defined citizenry; and political authority over both the territorial and membership spaces. The political philosophy underlying the European Union requires co-operation, mutual understanding and similar soft approaches all tending to an increasingly non-national mode of thinking and acting when coming to terms with globalisation and Europeanisation; in contrast, Romanian-Moldovan relations seem to be stuck in an agenda topped by issues that reflect rather the interests of nations than the interests of citizens.

123 Dungaciu (2007b) *op. cit.*

124 'De ce a cerut Kalman Mizsei schimbarea legii cetăţeniei'  
[http://www.bbc.co.uk/romanian/news/story/2007/07/070713\\_moldova\\_popov\\_mizsei.shtml](http://www.bbc.co.uk/romanian/news/story/2007/07/070713_moldova_popov_mizsei.shtml) downloaded 10 August 2008.

125 'Slovenii dau sfaturi pentru intrarea României în Schengen' *Cotidianul* 23 June 2008.

126 Especially when bearing in mind the troubled Romanian-Hungarian relationship throughout the 1990s over a wide range of issues connected to the minority rights of ethnic Hungarians mainly in Transylvania.

Bucureşti has been trying to ensure that the European dimension of the border – especially the strict EU entry requirements – does not impede its policy of considering the boundary with Moldova as that between two ‘Romanian states’ belonging to the same nation, while Chişinău has been attempting to misuse the new European border regime in order to consolidate the governing party’s vision that Moldova and Romania are two fully distinct entities. Thus, with Bucureşti’s offer of the prospect of citizenship to Moldovan citizens, it has been trying to circumvent EU regulations through a process of citizenship export without actually questioning the protective function of the external frontier *per se*. Romania is trying to include Moldovans in the membership space of Romanian society, thus diluting the importance of the border to Moldova which holders of Romanian passports can freely cross. Remembering the phrase ‘one nation, two states’ used in the National Security Strategy of Romania, it seems clear that Bucureşti is attempting to implement this vision through its citizenship policy by creating a common membership space for people on both sides of the River Prut.

Nevertheless, despite a political discourse which often casts an ambiguous light on its attitude towards Moldovan sovereignty, it seems that Romania is content for the geographical space of the two states to remain separated. This is also confirmed by the pragmatic approach of the Romanian Ministry of Foreign Affairs, whose successive top officials have distanced themselves from Bănescu’s more expansionist discourse. Anyway, despite the objective of facilitating citizenship acquisition by Moldovans, Bucureşti has been coping with problems at the technical level which have cast serious doubts as to whether Bănescu’s words are anything more than an exercise of rhetoric.

Romania’s visa policy has also been oriented towards limiting the effects of the European, restrictive dimension of the border, in what can be considered a spillover effect of its national policy on Moldova. Bucureşti has freely been granting visas and under simplified conditions while, at the same time, trying to improve the consular services it offers to Moldovan citizens, encompassing an offer to open two new consulates and to handle visas for other EU member states. However, President Bănescu has been willing to delay the implementation of the local border traffic scheme in order to prove that Romania does not wish to confirm the effects of the Ribbentrop-Molotov Pact by signing a new treaty regarding its eastern border.

Corroborated with the deficiencies at the technical level of the consular services offered in Moldova, Bucureşti’s objective of proving to citizens of the neighbouring country that they are always welcome in Romania has barely been met. With Hungary gaining the upper hand in the debate concerning the common visa application facility in Chişinău, Bucharest has been unable to take visible steps to compensate for its inability to enhance the level of operation of its consular section in the Moldovan capital. Furthermore, with Moldovans often being apprehended by Romanian border guards, as well as the behaviour of the latter in general towards citizens of the neighbouring country, Bucureşti’s image has certainly not significantly improved. Therefore, it can be concluded that the European dimension of the Moldovan-Romanian border has significantly reduced Bucureşti’s capacity to reach out to Moldovans and to convince them that they should consider Romania their homeland and that the border between the two nations is irrelevant from a ‘national’ point of view.

At the same time, the Moldovan government has been actively trying to prevent the steps taken by its new EU neighbour which may have alleviated the negative effects of the European dimension of the border. Chişinău significantly delayed the opening of two new Romanian missions in its country while taking steps against the possibility of having large numbers of its citizens gain Romanian citizenship, even alerting EU officials to this situation. Thus, in order to maintain the strict distinction between the two states, Chişinău is actually preventing its nationals from freely moving and working in western countries. This may be a positive result from the point of view of the latter, but migration has been having a positive – almost vital – effect on the Moldovan economy as well as enhancing the electoral performance of the current government.

Furthermore, the Moldovan government has been hampering the process of negotiating the local border traffic regime, putting its political ambition of pressurising Romania to sign a legally-unnecessary border treaty above the interests of its citizens. Through misleading declarations, like former premier Tarlev's request that Romania suspend visa requirements, or the Foreign Ministry's proposal to extend the territorial scope of the local border traffic regime, Chişinău has been attempting to mislead its population into believing that Romania's discourse of wishing to help Moldovans is untrue. With the help of Hungarian diplomacy, Chişinău has scored a victory by preventing Bucureşti from opening a visa application centre and has been gaining legitimacy for its anti-Romanian stance. Additionally, through the inauguration of the common visa facility, Chişinău has been able to justify its refusal of a similar institution at the Romanian Embassy, thus preventing a further enhancement of the consular services of EU member states in Moldova.

The opposition has also been profiting from the situation created due to the new status of the border for its own political purposes. In order to discredit the Communists' stance, opposition parties have been almost ostensibly pro-Romanian, trying to exacerbate the effects of Chişinău's policies with the purpose of gaining political ground.

Therefore, it is safe to conclude that political leaders in Chişinău have been misusing the European dimension of the border as an instrument of their own competing nationalising projects and neglecting their obligation to act only insofar as to reduce the effects of the new border regime.

Finally, it may be worth adding that both sides' policies have been affected by a lack of clarity regarding what an EU border is really supposed to mean. Bucureşti has not been able to come to terms with its EU obligations preventing it from maintaining the illusion of 'one single nation, two states'. Meanwhile, Chişinău's current leadership may find its own vision of the symbolic importance of the border at risk should voters decide to punish the governing party for obstructing Romanian efforts to ease the consequences of the 'Europeanisation' of the border on the River Prut and choose instead to install a government favourable to Bucureşti. With elections in Moldova due in 2009, a definitive conclusion on the effects of the new status of the Moldovan-Romanian boundary still remains to be drawn.



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